

### **REMARKS**

This amendment responds to the Office Action mailed November 30, 2006. Accordingly, applicants respectfully submit that this response is being timely filed. Claims 3 and 13-16 are pending.

### **CLAIM REJECTIONS**

#### **35 U.S.C. § 103(a) REJECTIONS – Claims 3 and 13-16**

The Office Action rejects Claims 3, 13-14 and 16 as being unpatentable over Hatton in view of Gossman. Claim 15 is rejected as being unpatentable over Hatton in view of Gossman and Bogursky. Applicants respectfully traverse.

In proceedings before the Patent and Trademark Office, the Patent Office bears the burden of establishing a *prima facie* case of obviousness based upon the prior art. The Federal Circuit advised, "[The Examiner] can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references." *In re Fritch*, 23 USPQ 2d 1780, 1783 (Fed. Cir. 1992)(citing *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ 2d 1596, 1598 (Fed. Cir. 1988).) The Office Action fails to show an objective teaching that would lead to the combination of the Hatton and Gossman references.

The Hatton and Gossman references are from non-analogous sources that would not have been combined by one ordinarily skilled in the art of LED lighting. Specifically, the Hatton reference is for a "Paperless Picking System" in the field of paperless, order

assembly while the Gossman reference is for a “Contacting Device for a Flat Band Cable.” Neither reference discusses the use of LEDs for lighting as does the present application. In fact, while the Hatton reference does appear to show LEDs in Figure 4, the Hatton reference never actually mentions an LED in the application because it is unrelated to the subject of the Hatton reference, namely paperless order assembly.

Moreover, the Gossman reference does not show the use of a gasket to protect a circuit board. Instead, the gasket is inserted between a flat conducting cable and a “contacting device 2.” The Gossman reference further explains that it is preferable that the plug connector for the contacting device described in the application be for connection to a circuit board. (Gossman, Col. 3, lines 44-53.) Thus, the location of the device in Gossman is removed from the circuit board to further isolate the circuit board from the connection environment. Thus, Gossman teaches away from the use of a gasket in combination with and actually covering a circuit board or for use with the device in the Hatton reference.

The combination of elements from non-analogous sources, in a manner that reconstructs the applicant's invention only with the benefit of hindsight, is insufficient to present a prima facie case of obviousness. There must be some reason, suggestion, or motivation found in the prior art whereby a person of ordinary skill in the field of the invention would make the combination. That knowledge cannot come from the applicant's invention itself. See *In re Oetiker*, 24 USPQ 2d 1443, 1446 (Fed. Cir. 1992). Accordingly, reconsideration of this rejection is respectfully requested.

### CONCLUSION

Applicants believe that this case is in good condition for allowance, and a Notice of Allowance is earnestly solicited. If a telephone or further personal conference would be helpful, the Examiner is invited to call the undersigned, who will cooperate in any appropriate manner to advance prosecution.

I hereby certify that the above correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 28, 2007.

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Respectfully submitted,



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